IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 3368 of 2005
Date of Decision: 28.3.2007

Gurcharan Singh ...Appellant

Versus

Khadi and Village Industries Commission and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Jasbir Rattan, Advocate, for the appellant.

HEMANT GUPTA, J.

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit for mandatory injunction claiming subsidy from the defendants was dismissed.

It is the case of the defendants that in view of the Board circular dated 9.7.1998 Exhibit D.2, the scheme of subsidy does not apply to the cases of loan after 1.8.1998 as thereafter, the scheme only applies to the Public Sector Banks. The entire controversy between the parties revolves around the date on which the plaintiff-appellant applied for loan.

Both the Courts have concluded that the plaintiff has not applied for loan before 1.8.1998 as the date 24.3.1998 is by overwriting on the document, whereas, in fact, the date is 2.11.1998. The said finding is based upon proper appreciation of evidence examined by the Courts below. The said finding is sought to be disputed by way of re-appreciation of evidence.

I do not find any patent illegality or irregularity in the finding recorded by the Courts below, which may give rise to any substantial question of law.

Hence, the present appeal is dismissed.

28-03-2007 (HEMANT GUPTA)
ds JUDGE